

**UNITED STATES COURT OF APPEALS**

**FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 12-60988  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

January 13, 2014

Lyle W. Cayce  
Clerk

D.C. Docket No. 1:11-CR-114

UNITED STATES OF AMERICA,

Plaintiff - Appellant Cross-Appellee

v.

JAMES WILLIAM SMITH,

Defendant - Appellee Cross-Appellant

Appeals from the United States District Court for the  
Northern District of Mississippi, Aberdeen

Before KING, BENAVIDES, and DENNIS, Circuit Judges.

**J U D G M E N T**

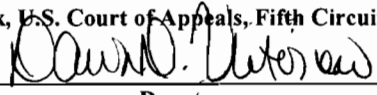
This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is reversed, and the cause is remanded to the District Court for further proceedings in accordance with the opinion of this Court.

ISSUED AS MANDATE: 04 FEB 2014

A True Copy  
Attest

Clerk, U.S. Court of Appeals, Fifth Circuit

By:   
Deputy

New Orleans, Louisiana 04 FEB 2014